

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE PORK ANTITRUST
LITIGATION

Civil No. 18-1776 (JRT/HB)

This Document Relates to:

Consumer Indirect Purchaser Plaintiff
Actions

**DECLARATION OF STEVE W. BERMAN IN SUPPORT OF
CONSUMER INDIRECT PURCHASER PLAINTIFFS' RESPONSE TO
DEFENDANTS' MOTION FOR PROTECTIVE ORDER CONCERNING EX
PARTE LAWYER COMMUNICATIONS**

I, Steve W. Berman, state under oath, as follows:

1. I am an attorney duly authorized to practice before this court. I am the managing partner at Hagens Berman Sobol Shapiro LLP, the counsel of record for Plaintiffs the above-titled action. I have full knowledge of the matters stated herein and, if called upon, I could and would testify thereto.

2. Hagens Berman brings unique cases that require extensive pre-litigation investigation into industry's hidden conduct. Our methodical investigations often shed light on innovative legal issues before they have been reported to the public. Before filing a complaint in this case, we began an extensive investigation into the pork industry, which involved speaking with economists, former industry participants, and experts in the field to gather information about the pork industry and place it into context.

3. When we conduct our investigations, we use trained investigators who follow the Rules of Professional Conduct. Our investigators are told to never misrepresent their affiliation with the firm and truthfully answer questions when a witness asks them. And even though some jurisdictions allow investigators to contact current employees of represented parties, our investigators are instructed to avoid contacting current employees. If an investigator learns that he or she has contacted a current employee by mistake, he or she is required to end the call.

4. On August 29, 2019, the Defendants alerted us to the fact that one of their employees was contacted by mistake. This was an introductory call and no material information was exchanged. Our investigators reviewed their notes and confirmed that no substantive interviews of any Defendants' current employees have occurred. We offered

to meet and confer with the Defendants via teleconference to discuss this matter further and answer any additional questions from Defendants. Our offer to meet and confer was rejected by the Defendants via email.

I certify under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge. Executed this 22nd day of October 2019 at Seattle, Washington.

DATED: October 22, 2019

s/ Steve W. Berman
STEVE W. BERMAN